

FILED

AUGUST 8, 2007

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS
PHYSICIAN ASSISTANT ADVISORY COMMITTEE

IN THE MATTER OF

Administrative Action

KITABU DEMBO CEESAY, P.A.
License No. 25MP00152000

CONSENT ORDER

THIS MATTER was opened to the New Jersey State Board of Medical Examiners ("Board") and Physician Assistant Advisory Committee ("Committee") upon receipt of information that on or about January 15, 2007, the New York State Board for Professional Medical Conduct ("New York Board") and Kitabu Dembo Ceesay, P.A. ("Respondent") entered into a Consent Order ("Exhibit A"). In the Consent Order, the Respondent agreed to not contest the allegations

CERTIFIED TRUE COPY

set forth in the Second Specification of the Statement of Charges, namely, that he was engaged in negligence on more than one occasion in connection with the care and treatment of Patient A in that Respondent failed to perform and/or note complete and appropriate physical examinations of Patient A.

As a result of the foregoing, the Respondent's license to practice as a physician assistant was suspended for a period of three (3) years, with the first month to be served as a period of actual suspension and the last thirty-five (35) months to be stayed. Respondent's license was placed on probation for three (3) years commencing one (1) month after the effective date of the Consent Order. Further, Respondent was required to successfully complete Continuing Medical Education courses of study for physician assistants in the area of assessing and treating trauma cases.

As a result of the foregoing, the Board and Committee have determined that Respondent's acts giving rise to the Consent Order entered by the New York Board provides a basis for disciplinary action pursuant to N.J.S.A. 45:1-21(d) and N.J.S.A. 45:1-21(g), in that his license to engage in the activity regulated by the Board and Committee was suspended by another State for conduct which constitutes repeated acts of negligence.

IT NOW APPEARING that the parties wish to resolve this matter without recourse to formal proceedings; and that the Respondent

hereby waives any right to a hearing in this matter; and the Respondent having represented that he did not practice as a physician assistant in New Jersey during the time of his one (1) month of actual suspension in New York; and the Board and Committee finding the within Order adequately protects the public's health, safety and welfare; and for good cause shown;

IT IS ON THIS 8TH day of AUGUST, 2007, ORDERED AND AGREED THAT:

1. Respondent's license to practice as a physician assistant shall be, and hereby is, reprimanded.

FOR THE PHYSICIAN ASSISTANT ADVISORY COMMITTEE

By: _____

Mario A. Criscito, M.D.
MARIO A. CRISCITO, M.D., PRESIDENT
NJ STATE BOARD OF MEDICAL EXAMINERS

I have read and I understand this Consent Order and agree to be bound by its terms. I further hereby consent to the entry of this Consent Order.

Kitabu Dembo Ceessay
KITABU DEMBO CEESAY, P.A.

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
KITABU DEMBO CEESAY, P.A.

CONSENT
ORDER

BPMC No. #07-05

Upon the application of (Respondent) KITABU DEMBO CEESAY, P.A. in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement; and its terms, are adopted and it is further

- ORDERED, that this Order shall be effective upon issuance by the Board, either
- by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR
 - upon facsimile transmission to Respondent or Respondent's attorney, Whichever is first.

SO ORDERED.

DATED: 1/15/07

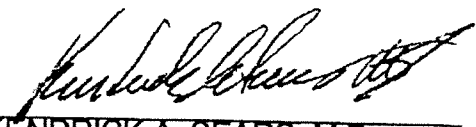

KENDRICK A. SEARS, M.D.
Chair
State Board for Professional Medical Conduct

EXHIBIT A

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

**IN THE MATTER
OF
KITABU DEMBO CEESAY, P.A.**

**CONSENT
AGREEMENT
AND
ORDER**

KITABU DEMBO CEESAY, P.A., representing that all of the following statements are true, deposes and says:

That on or about June 1, 2001, I was licensed to practice as a physician assistant in the State of New York, and issued License No. 008096 by the New York State Education Department.

My current address is 896 Summit Avenue, Hackensack, N.J. 07601, and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct has charged me with two specifications of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

I assert that I do not contest the allegations set forth in the second specification, in full satisfaction of the charges against me, and agree to the following penalty, which shall be effective on January 15, 2007:

(1). Pursuant to §230-a(2) of the Public Health law, my license to practice as a physician assistant in the State of New York shall be suspended for a period of 3 years, with the first month to be served as a period of actual suspension and with the last thirty-five (35) months of said suspension to be stayed.

(2). Pursuant to §230-a(9) of the Public Health Law, I shall be placed on probation for a period of three (3) years, in accordance with the terms set forth in Exhibit "B," annexed hereto, which shall commence one (1) month after the effective date of the Consent Order.

(3). Pursuant to §230-a(8) I shall be required to enroll in and successfully complete Continuing Medical Education course(s), of study, for physician assistants, in the area of assessing and treating trauma cases.

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall maintain current registration of licensure with the New York State Education Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees. This condition shall take effect thirty (30) days after the Consent Order's effective date and will continue so long as Respondent remains licensed in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic

verification of Respondent's compliance with this Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Order shall constitute misconduct as defined by New York State Education Law §6530(29).

~~I agree that if I am charged with professional misconduct in future, this~~
Consent Agreement and Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first. The Order, this agreement, and all

attached Exhibits shall be public documents, with only patient identities, if any, redacted.

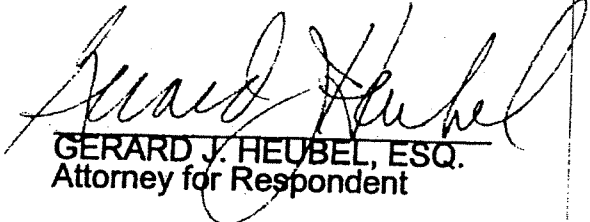
I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and ask that the Board adopt this Consent Agreement.

DATED 12/22/06



KITABU DEMBO CEESAY, P.A.
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 12/22/06


GERARD J. HEUBEL, ESQ.
Attorney for Respondent

DATE: 12/26/06


CLAUDIA MORALES BLOCH
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 12 January 2007


DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
KITABU DEMBO CEESAY, P.A.

STATEMENT
OF
CHARGES

KITABU DEMBO CEESAY, P.A., the Respondent, was authorized to practice as a Physician Assistant in New York State on or about June 1, 2001, by the issuance of license number 008096 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about September 22, 2004, in the course of his employment with the Westchester County Department of Correction at the Jail Division, Vallhalla, N.Y., Respondent undertook the care and treatment of Patient A, whose identity is set forth in the annexed Appendix. Respondent failed to perform and/or note complete and appropriate physical examinations of Patient A.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

GROSS NEGLIGENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(4) by practicing the profession of physician assistant with

"EXHIBIT A"

gross negligence as alleged in the facts of the following:

1. Paragraph A

SECOND SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3) by practicing the profession of physician assistant with negligence on more than one occasion as alleged in the facts of two or more of the following:

2. Paragraph A

THIRD SPECIFICATION

FAILURE TO MAINTAIN RECORDS

~~Respondent is charged with committing professional misconduct as defined~~
in N.Y. Educ. Law §6530(32) by failing to maintain a record for the patient which accurately reflects the care and treatment of the patient, as alleged in the facts of:

3. Paragraph A

DATED: December 13, 2006
New York, New York



 
ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

Terms of Probation

1. Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by New York State Education Law §6530 or §6531 shall constitute a violation of probation and may subject Respondent to an action pursuant to New York State Public Health Law §230(19).
2. Respondent shall maintain current registration of licensure with the New York State Education Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees.
3. Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299 with the following information, in writing, and ensure that such information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty (30) days of each action.
4. Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of Respondent's compliance with the terms of this Consent Order. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
5. Respondent's failure to pay any monetary penalty by the prescribed date shall subject Respondent to all provisions of law relating to debt collection by New York State, including but not limited to: the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law section 171(27)]; State Finance Law section 18; CPLR section 5001; Executive Law section 32].
6. The probation period shall toll when Respondent is not engaged in active practice as a physician assistant in New York State for a period of thirty (30) consecutive days or more. Respondent shall notify the Director of

OPMC, in writing, if Respondent is not currently engaged in, or intends to leave, active practice as a physician assistant in New York State for a consecutive thirty (30) day period. Respondent shall then notify the Director again at least fourteen (14) days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period will resume and Respondent shall fulfill any unfulfilled probation terms.

7. The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to: a review of office records, patient records and/or hospital charts; and interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.
8. Respondent shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients and contain all information required by State rules and regulations concerning controlled substances.
9. Respondent shall enroll in and complete a continuing education program in the area of assessing and treating trauma cases. This continuing education program is subject to the Director of OPMC's prior written approval and shall be completed within the first year of the probation period, unless the Order specifies otherwise.

PRACTICE SUPERVISOR

10. Pursuant to Educ. Law Sec. 6542, Respondent shall practice only when under the supervision of a physician and only when such acts and duties as are assigned to him are within the scope of practice of such supervising physician. Respondent's practice supervisor shall be on-site at all locations, unless determined otherwise by the Director of OPMC. The practice supervisor shall be proposed by Respondent and subject to the written approval of the Director. The practice supervisor shall not be a family member or personal friend, or be in a professional relationship which could pose a conflict with supervision responsibilities.
11. Respondent shall ensure that the practice supervisor is familiar with the Order and terms of probation, and willing to report to OPMC. Respondent shall ensure that the practice supervisor is in a position to regularly observe and assess Respondent's practice. Respondent shall cause the practice supervisor to report within 24 hours any suspected impairment,

inappropriate behavior, questionable medical practice or possible misconduct to OPMC.

12. Respondent shall authorize the practice supervisor to submit quarterly written reports, to the Director of OPMC, regarding Respondent's practice. These narrative reports shall address all aspects of Respondent's clinical practice including, but not limited to, the evaluation and treatment of patients, general demeanor, time and attendance, the supervisor's assessment of Respondent's record keeping of the patient care and treatment and other such on-duty conduct as the supervisor deems appropriate to report.
 13. Respondent shall comply with this Consent Order and all its terms, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or a violation of, these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.
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**NOTICE OF REPORTING PRACTICES OF BOARD
REGARDING DISCIPLINARY ACTIONS**

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Medical Examiners are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record, including the transcript and documents marked in evidence, are available for public inspection, upon request.

Pursuant to 45 CFR Subtitle A 60.8, the Board is obligated to report to the National Practitioners Data Bank any action relating to a physician which is based on reasons relating to professional competence or professional conduct:

- (1) Which revokes or suspends (or otherwise restricts) a license,
- (2) Which censures, reprimands or places on probation,
- (3) Under which a license is surrendered.

Pursuant to 45 CFR Section 61.7, the Board is obligated to report to the Healthcare Integrity and Protection (HIP) Data Bank, any formal or official actions, such as revocation or suspension of a license (and the length of any such suspension), reprimand, censure or probation or any other loss of license or the right to apply for, or renew, a license of the provider, supplier, or practitioner, whether by operation of law, voluntary surrender, non-renewability, or otherwise, or any other negative action or finding by such Federal or State agency that is publicly available information.

Pursuant to N.J.S.A. 45:9-19.13, if the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, it is obligated to notify each licensed health care facility and health maintenance organization with which a licensee is affiliated and every other board licensee in this state with whom he or she is directly associated in private medical practice.

In accordance with an agreement with the Federation of State Medical Boards of the United States, a list of all disciplinary orders are provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order will appear on the public agenda for the next monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

Within the month following entry of an order, a summary of the order will appear in a Monthly Disciplinary Action Listing which is made available to those members of the public requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.